

Summary of Division of Water Quality Staff Recommended Revisions to the Draft Onsite Wastewater Treatment Systems Regulations (OWTS)

Division of Water Quality staff reviewed the comments from the Summer 2005 public meetings on environmental impacts from OWTS and the draft OWTS regulations. The following are recommended revisions to those draft regulations. These recommendations will be presented by staff at the State Water Board's December 9, 2005 meeting as part of the OWTS workshop.

Design Standards: Separation to Groundwater for Pathogen Reduction

Concerns were expressed that the proposed minimum five-foot distance from the base of the dispersal system to groundwater (or an impervious layer) would render many lots unbuildable or require supplemental treatment. Most County ordinances and Regional Water Board basin plans require a minimum distance to groundwater of three to five feet for conventional or standard OWTS.

DWQ staff will recommend that the minimum five-foot distance be revised with a range of three to five feet for conventional OWTS and a range of two to three feet for OWTS with supplemental treatment. Site-specific conditions should determine the required separation within these ranges.

Monitoring: Septic Tank Inspections and Groundwater Monitoring

Concerns were expressed that septic tank inspections and groundwater (domestic well) monitoring by OWTS owners at the sale of property would jeopardize real estate transactions and that the data collected would be sporadic.

DWQ staff will recommend that the point-of-sale septic tank inspection and groundwater monitoring be revised to instead have OWTS owners conduct septic tank inspections for solids levels every five years and sample/analyze groundwater (domestic wells) every three to five years.

Impaired Surface Waters identified and listed pursuant to Section 303(d) of the Clean Water Act

Concerns were expressed that provisions in the draft regulations are too restrictive and costly. The provisions apply only where OWTS have been identified by a Regional Water Board as contributing to the impairment of the listed water body. DWQ staff recommend no changes from the draft regulations.

Costs to Local Agencies

Local agencies expressed concern over prescriptive requirements and potential excessive reporting costs associated with the proposed Memorandum of Understanding between local agencies and Regional Water Boards.

DWQ staff will recommend:

- Significantly reducing remaining prescriptive requirements and
- Authorizing local agencies to implement regulations upon request to the State Water Board so long as the local agency agrees to implement the regulations and any more protective requirements as contained in Regional Water Board basin plans.

Implementation: Conditional Waiver

State law requires any person discharging waste that could affect the quality of the waters of the state to file a report of the discharge. The State or Regional Water Boards may waive waste discharge requirements as to a type of discharge (e.g., OWTS) if the waiver is consistent with basin plans and is in the public interest. DWQ staff will recommend that a statewide waiver be prepared and adopted by the State Water Board concurrent with the adoption of the OWTS regulations. The waiver would require OWTS owners to comply with conditions that are consistent with the regulations.